THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21352 of 2005

Dated 30.09.2005

Between:

S. S. Anveshitha, D/o. S.S. Yellanna,
R/o. Raichoti Village, and Mandal, Kadapa Dist.

..... PETITIONER

AND

1 The Commissioner Of Tribunal Welfare, DSS Bhavan, Masab Tank,

Hyderabad and others.

.....RESPONDENT(S)

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21352 of 2005

Oral Order:

The petitioner claims to be a candidate belonging to Scheduled Tribe. She appeared in EAMCET-2005 with a view to secure admission in the 1st year MBBS course. She secured the rank 13220. The 3rd respondent also appeared in EAMCET-2005 and secured the rank 10632. Both of them were called for counselling on a day, which was earmarked for consideration of the cases of scheduled tribe candidates. It is stated that the father of the petitioner raised an objection as to the genuinity of the caste certificate produced by the 3rd respondent and despite the same, the concerned authorities have granted admission to the 3rd respondent.

The petitioner states that on the basis of the objection raised by her father, the 1st

respondent scrutinized the claims of various candidates at the time of counselling and addressed a letter dated 8.8.2005 to the District Collector, Chittoor pointing out certain facts touching upon the genuinity of the caste certificate produced by the 3rd respondent. Her grievance is that the 1st respondent has not taken any action so far and therefore, she seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The limited grievance of the petitioner is as to the alleged inaction on the part of the 2nd respondent. Section 5 of the A.P. (Scheduled Caste and Scheduled Tribe and Backward Classes) Regulation of issue of Community Certificates Act, 1993 (for short 'the Act') and the Rules made thereunder prescribe the procedure for cancellation of certificate wherever it is noticed that the candidate does not belong to the relevant caste. A detailed procedure is prescribed. The proceedings have to be initiated by the District Collector and thereafter the matter has to be placed before the District Level Committee. The person who is sought to be proceeded against is to be given ample opportunity to sustain his claim.

Once an authority of a rank of Commissioner has addressed a letter doubting the genuinity of the social status of the 3rd respondent, the 2nd respondent was expected to move in the matter. It is not known as to whether the 2nd respondent has taken any steps as of now. If no steps have been taken as of now, he is required to move in the matter.

Therefore, the writ petition is disposed of directing the 2nd respondent to take appropriate steps without any further loss of time on the basis of the letter dated 8.8.2005 addressed by the 1st respondent duly following the procedure prescribed under Section 5 of the Act and the relevant rules. It is also made clear that the 2nd respondent or the District Level Committee shall give ample opportunity to the 3rd respondent to sustain her claim.

30..09..2005

msv